

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
IBEDTH CARRAJCO EDELL	§	CASE NO. 18-42226-R
XXX-XX-6332	§	
2812 SANDRAY COURT	§	CHAPTER 13
PLANO, TX 75093	§	
	§	
DEBTOR	§	

TRUSTEE'S REPORT FOR CONFIRMATION AND WITNESS AND EXHIBIT LIST

TRUSTEE'S REPORT FOR CONFIRMATION

Attorney for Debtor: LEINART LAW FIRM

Trustee: CAREY D. EBERT

Plan filed on: October 23, 2018

Confirmation Hearing: December 19, 2018

Applicable Commitment Period: 36

I. Budget Information

A. Monthly income:

Debtor	\$	4,921.86
Joint Debtor	\$	0.00
Other	\$	1,000.00
Total	\$	5,921.86
Expenses	\$	3,905.90
Difference	\$	2,015.96

B. Monthly plan payments *

\$1,995.00	for 60 months =	\$	119,700.00
------------	-----------------	----	------------

II. Analysis of Plan

A. Monthly plan payment	*
B. Plan duration in months	60
C. Total to be paid into plan	\$ 119,700.00
D. Administrative allowance (10% of total to be paid into plan)	\$ 11,970.00
E. Net available to creditors	\$ 107,730.00

The Plan proposes the following treatment of the listed claims:

Creditor	Proposed Principal Amount	Rate	Term	Monthly Payment	Total
<u>TREATMENT OF SECURED CLAIMS:</u>					
Section 3.1 - Post Petition Home Mortgage Claims					
BSI FINANCIAL SERVICES HOMESTEAD (Debtor is disbursing agent)	\$0.00	0.00		\$2,525.95	\$0.00
DITECH HOMESTEAD - 2ND LIEN (Debtor is disbursing agent)	\$0.00	0.00		\$379.95	\$0.00
COLLIN COUNTY TAX ASSESSOR/COLI PROPERTY TAXES (Debtor is disbursing agent)	\$0.00	0.00		\$0.00	\$0.00
Section 3.2 - Cure Claims					
BSI FINANCIAL SERVICES MORTGAGE ARREARS	\$91,312.00	0.00	1-60	\$0.00	\$91,312.00
DITECH MORTGAGE ARREARS	\$8,061.57	0.00	1-60	\$0.00	\$8,061.57
TOTAL PAID TO SECURED CLAIMS:					\$ 99,373.57

TREATMENT OF ADMINISTRATIVE EXPENSES, DSO CLAIMS AND OTHER PRIORITY CLAIMS:

Section 4.3 - Attorney Fees:

LEINART LAW FIRM DEBTOR ATTORNEY	\$4,000.00	0.00		\$0.00	\$4,000.00
-------------------------------------	------------	------	--	--------	------------

TOTAL PAID TO PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS: \$ 4,000.00

Section 5.2 - General Unsecured Claims

Allowed nonpriority unsecured claims shall comprise a single class of creditors and will be paid:

- ☐ 100% + interest
☐ 100% + interest with no future modifications to treatment under this section
☒ Pro Rata Share of all funds remaining after payment of all secured, priority, and specially classified unsecured claims.

Debtor Non Exempt Property	\$4,070.00
Trustee Asserted Non Exempt Property	\$4,070.00

TOTAL PAID TO PRIORITY, SPECIALLY CLASSIFIED UNSECURED AND SECURED CLAIMS:	\$103,373.57
AMOUNT AVAILABLE TO UNSECURED CLAIMS:	\$4,356.43
PROJECTED DISPOSABLE INCOME AMOUNT UNDER 11 USC §1325(b):	\$0.00

The Trustee objects to confirmation on the following grounds:

- The Debtor has failed to amend Schedule I to reflect current income and assistance from daughters
- The Debtor has not filed the following tax returns in violation of 11 USC §1325(a)(9): 2016-2017
- The Debtor has not tendered to the Chapter 13 Trustee the following documents:
 - Affidavit that the following tax returns were filed: 2016-2017; or alternatively, an affidavit that the tax returns were not required to be filed for those years.
 - Tax returns for the following year(s): 2016-2017
 - Reports of Receipts and Disbursements for Debtor. September forward..
 - Current declaration regarding status of post-petition obligations. (TXEB Local Form 3015-c)

WITNESS AND EXHIBIT LIST

The Trustee reserves the right to call as a witness any or all of the following listed persons in relation to confirmation:

1. Carey D. Ebert, Chapter 13 Trustee
3. Debtor
4. Any witness designated by other party

The Trustee reserves the right to introduce into evidence any or all of the following:

1. Copy of the Trustee's Confirmation Report, Witness and Exhibit List
2. Copies of any schedules or pleadings as filed herein by the Debtor or any other party
3. Copies of any Proof of Claim as filed herein by any creditor or other party
4. Copies of any Chapter 13 Plan and amendments thereof filed herein by the Debtor
5. Copy of the latest computer printout from the Trustee's office representing the Chapter 13 Plan payments received by the Trustee from the Debtor
6. If the Debtor is self-employed, the Debtor's monthly operating reports or profit and loss statements provided to the Trustee
7. Copies of the Debtor's prior years' tax returns as provided to the Trustee
8. Copy of Required Amendments sheet from the §341 Meeting of Creditors
9. Copy of any other document produced by the Debtor at the §341 Meeting of Creditors, or subsequently produced by the Debtor to the Trustee
10. Copy of the current issue of the Dallas/Fort Worth Metroplex Apartment Guide and/or copies of current reports from www.apartmentratings.com
11. Reports from news media sources for the DFW Metroplex

Copies of these exhibits will be provided by the Trustee upon request by any party.

Respectfully submitted,

/s/ Carey D. Ebert

Carey D. Ebert, TBN 05332500
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Trustee's Report for Confirmation and Witness and Exhibit List has been served upon the following parties in interest on the date set forth below by either electronic service or mailing a copy of same to them via first class mail.

IBEDTH CARRAJCO EDELL
2812 SANDRAY COURT
PLANO, TX 75093

LEINART LAW FIRM
11520 N. CENTRAL EXPRESSWAY
SUITE 212
DALLAS, TX 75243-6608

MICHELLE R. GHIDOTTI
1920 OLD TUSTIN AVE.
SANTA ANA, CA 92705

PRA RECEIVABLES MANAGEMENT
PORTFOLIO RECOVERY ASSOCIATES
P. O. BOX 12914
NORFOLK, VA 23541

Dated: November 21, 2018

/s/ Carey D. Ebert
Office of the Standing Chapter 13 Trustee